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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,272	06/27/2003	Thomas J. Laughlin	117645-1033	8285
7590	06/21/2006		EXAMINER	
Michael A. O'Neil, P.C. 5949 Sherry Lane Suite 820 Dallas, TX 75225				DOAN, ROBYN KIEU
		ART UNIT		PAPER NUMBER
				3732

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/609,272	LAUGHLIN, THOMAS J.
	Examiner Robyn Doan	Art Unit 3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/8/03, 2/17/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCain (IDS cited reference '593) in view of Josefsson (U.S. Pat. # 4,537,120).

With regard to claims 1 and 9, McCain discloses an apparatus for applying sun tanning lotion to the entire human body (fig. 5) comprising a structure defining a coating chamber (6) for receiving the entire body of a person to be tanned, a reservoir (14) for receiving the sun tanning lotion in liquid form, at least one nozzle (58) positioning within the coating chamber for spraying the lotion onto the skin of the human body, the coating chamber further having apparatus (wall 23) for containing at least part of the spray from the nozzle which is not received on the skin of the person, apparatus for disposing of the contained spray (34). McCain further show an apparatus for circulating air (18), however McCain fails to show the apparatus for circulating air independently of the liquid discharged from the nozzle and thereby containing the remainder of the spray from the nozzle which is not received on the skin of the person. Josefsson discloses a paint spray booth enclosure (fig. 1) comprising a coating chamber (A, B), an apparatus

for circulating air independently (13, col. 4, lines 12-15) and thereby containing the remainder of the spray. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the circulating air apparatus as taught by Josefsson into the device of McCain for the purpose of recirculating air and entraining the paint material back to the chamber for reuse. It is noted that Josefsson is nonanalogous art, however, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the circulating air apparatus of Josefsson solves the same problem of drawing the remainder of the paint back into the coating chamber. In regard to claim 2, McCain fails to show at least one filter for removing excess spray from the circulating air, however, Josefsson shows at least one filter for removing excess spray from the circulating air (14, col. 4, lines 46-49). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the filter as taught by Josefsson into the device of McCain in order to remove excess paint from the circulating air. In regard to claim 3, McCain further shows an apparatus (40) for pressurizing the interior of the reservoir and thereby discharging liquid from the reservoir through the nozzle. In regard to claims 5-7, McCain in view of Josefsson are capable to perform the substantially claimed method steps.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank (IDS cited reference '509) in view of McCain and Josefsson.

With regard to claim 4, Frank discloses an apparatus for coating substantially the entire body of a person with a predetermined human skin coating material in liquid form (figs. 1-2) comprising a reservoir (19) for receiving the predetermined human skin coating liquid (col. 1, line 6), at least one nozzle (21) for discharging the liquid onto the skin of the person, apparatus for causing the predetermined skin coating liquid to flow from the reservoir (87) through the nozzle for discharging in the form of a spray; Frank also shows apparatus (col. 2, lines 56-58) for continuously moving the nozzle in a substantially horizontal plane relative the body of a person. Frank fails to show an enclosure defining a coating chamber, the nozzle being within the chamber, apparatus or containing excess spray from the nozzle, apparatus for disposing the contained excess spray, apparatus for circulating air through the coating chamber independently and at least one of the filter for removing excess spray fro the circulating air. McCain discloses an apparatus for applying sun tanning lotion to the entire human body (fig. 5) comprising a structure defining a coating chamber (6) for receiving the entire body of a person to be tanned, at least one nozzle (58) positioning within the coating chamber for spraying the lotion onto the skin of the human body, the coating chamber further having apparatus (wall 23) for containing at least part of the spray from the nozzle which is not received on the skin of the person, apparatus for disposing of the contained spray (34). McCain further show an apparatus for circulating air (18). Josefsson discloses a paint spray booth enclosure (fig. 1) comprising a coating chamber (A, B), an apparatus for

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circulating air independently (13, col. 4, lines 12-15) and thereby containing the remainder of the spray; Josefsson also shows at least one filter for removing excess spray from the circulating air (14, col. 4, lines 46-49). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the enclosure as taught by McCain into the device of Frank in order to provide privacy to the user and it would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the circulating air apparatus as taught by Josefsson into the device of Frank and McCain for the purpose of recirculating air and entraining the paint material back to the chamber for reuse. In regard to claim 8, Frank in view of McCain and Josefsson are capable to perform the substantially claimed method steps.

### ***Conclusion***

The drawings filed 6/27/03 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robyn Doan  
Examiner  
Art Unit 3732